

E-FILED on 6/19/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAMBUS INC.,

Plaintiff,

v.

HYNIX SEMICONDUCTOR INC., HYNIX
SEMICONDUCTOR AMERICA INC.,
HYNIX SEMICONDUCTOR
MANUFACTURING AMERICA INC.,

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR,
L.P.,

NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION
U.S.A.,

Defendants.

No. C-05-00334 RMW

ORDER REGARDING RIGHT TO FILE AN
AMENDED ANSWER AND
COUNTERCLAIM

[Re Docket No. 167]


Plaintiff Rambus Inc. ("Rambus") has filed a proposed order to dismiss with prejudice the third counterclaim by defendants Nanya Technology Corporation and Nanya Technology Corporation U.S.A. ("Nanya"). Nanya filed its answer and counterclaims in this action on July 18,

1 2005. It has not filed any amendments to its pleadings and Rambus has not answered the
2 counterclaims. On June 15, 2006 the court stayed this case.

3 The court previously heard oral argument on Rambus's motion to dismiss Nanya's third
4 counterclaim. Although a final order has not been issued, the court had tentatively ruled to grant
5 Rambus's motion without prejudice. Rambus submits that the counterclaim should be dismissed
6 with prejudice because Nanya has not yet amended its counterclaim. However, because a final order
7 has not yet issued, there is not yet a court ordered due date for an amended complaint. Moreover,
8 Nanya has a right to amend its counterclaims pursuant to Fed. R. Civ. P. 15(a) without leave of
9 court. The court notes that by letter dated May 29, 2007, Nanya has indicated that it intends to file
10 an amended answer and counterclaim in this action.

11 Accordingly, Rambus's proposed order dismissing Nanya's third counterclaim with prejudice
12 is denied.

13
14 DATED: 6/18/07



RONALD M. WHYTE
United States District Judge

1 Notice of this document has been electronically sent to:

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24 **Dated:** 6/19/07

SPT
Chambers of Judge Whyte